



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Mr. Randall Labnon  
Town & Country Motor Court  
PO Box 220  
Gorham, New Hampshire 03581

LETTER OF DEFICIENCY  
WMB PBF 03-07  
February 25, 2003

Dear Mr. Labnon:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 18, 2003, DES inspected the following public bathing facilities at the Town & Country Motor Court in Shelburne, NH: the indoor pool ("Pool") and spa ("Spa"). During this inspection, the following deficiencies were noted:

A recommendation to close and drain the Spa was issued on February 18, 2003. The inspection on February 18, 2003 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:

- a. Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Spa water contained total coliform bacteria.
  - b. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained greater than 50,000 cfu/mL.
  - c. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was less than 0.1 mg/L on February 18, 2003.
  3. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
  4. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Complete patron rules were not posted at the Pool at the time of the inspection.
  5. Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.


A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include a timetable of when the safety items will be in place; and patron rules will be posted.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following

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months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,  
  
Jody Connor  
Limnology Center Director

Enclosures

Certified Mail # 7000 1670 0000 0586 0165

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES •  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Justina Hale-List, Health Officer, Town of Shelburne

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